

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Establishment -Marketing Department – Government Services – Gazetted officers- Notional Promotion to Sri N.V.Satyanarayana Rao, Assistant Director of Marketing as Deputy Director of Marketing w.e.f. 04.11.2004 on par with his immediate Junior Sri Md.Jahangir, Deputy Director of Marketing(Retd.)-Approved-Orders-Issued.

**AGRICULTURE AND COOPERATION(A.M.III)DEPARTMENT**

**G.O.Rt.No. 279**

**Date: 4<sup>TH</sup> December,2009**  
**Read the following:**

1. G.O.Ms.No.04 Agriculture and Cooperation (A.M.III)Department, Dated: 05.01.2004.
2. G.O.Ms.No.43 Agriculture and Cooperation(A.M.III)Department, Dated: 10.02.2004.
3. Orders of Hon'ble APAT., Hyderabad in O.No.8113/2008 Dated:10.02.2008
4. Government Memo.No.9237/A.M.III(2)/2009-4 Dated:20.10.2009.
5. From the Commissioner and Director of Agricultural Marketing, Hyderabad Lr.No.Estt.Govt.7598/2008, Dated:09.11.2009.

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**ORDER:**

In the reference 1<sup>st</sup> read above, the panel for the purpose of promotion to the post of Deputy Directors of Marketing has been prepared and the name of Sri N.V.Satyanarayana Rao figured at Sl.No.6 Later, the said G.O. was modified, vide G.O.Ms.No.43 A&C(A.M.III)Department Dated:10.02.2004 altering his position from Sl.No.6 to 9. At the relevant point of time, a disciplinary case is pending against him i.e., imposing a penalty of stoppage of one annual grade increment without cumulative effect on 28.08.2004. Meanwhile, his immediate Junior Md.Jahangir was promoted on 04.11.2004 who was shown at Sl.No.10 in the Panel Year 2003-04. Subsequently, the charges pending against him were reduced to that of 'Warning' on 09.12.2004. which is not a hurdle to his promotion as on the date when his Junior was promoted. But he was involved in another case and Charges were framed by the Commissioner and Director of Agricultural Marketing, Hyderabad against him on 02.12.2004 in respect of irregular purchases of Tarpaulins. Subsequently, the case was entrusted to Director General, Anti corruption Bureau, Hyderabad. Because of the above charges, his promotion was denied. The final report of D.G., ACB., Hyderabad was received in the month of June, 2006. In that final report, his name did not figure in ACB List.

**2.** Aggrieved by the above, Sri N.V.Satyanarayana Rao, Assistant Director of Marketing filed O.A.No. 8113 /2008 before the Andhra Pradesh Administrative Tribunal .

**3.** The Hon'ble APAT has observed that in respect of punishment which was reduced to " Warning" on 09.12.2004 is not a hurdle for promotion. Warning does not find place in the penalties enumerated in Rule 9 of the A.P.C.S.(CC&A)Rules. In this context, the Hon'ble Supreme

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Court, in the Judgement reported in the case of **DELHI JAL BOARD Vs MAHINDER SINGH**, reported in 2000(7)SCC page 210.

**4.** Subsequently, he has filed C.A.No.661/2009 in O.A.No 8113/2008 for non-implementation of the above said orders of the Hon'ble APAT Dated:10.02.2009. On the directions of Government, the Commissioner and Director of Agricultural Marketing, Hyderabad has filed a W.A. against the orders of APAT., in the Andhra Pradesh High Court and admitted the same.

**5.** In the reference 4<sup>th</sup> above, Government after careful examination of the all the facts of the case and after taking into consideration of the orders of Hon'ble APAT., Hyderabad decided to place the matter before the review DPC for considering his name for the post of Deputy Director of Marketing.

**6.** In the reference 5<sup>h</sup> read above, the Commissioner and Director of Agricultural Marketing, Hyderabad has stated that the Review Screening Committee was convened on 09.11.2009 to consider the case of Sri N.V.Satyanarayana Rao, Assistant Director of Marketing OD as Special Grade Secretary, Agricultural Market Committee, Madhira, Khammam Distirct for notional promotion on par with his junior his immediate Junior Sri Md.Jahangir, Deputy Director of Marketing with (Retd.,) w.e.f., 04.11.2004 and the Screening Committee has considered his case for notional promotion as Deputy Director of Marketing

**7.** Government after careful examination of the matter, accept the recommendation of the Review Screening Committee and direct the name of Sri N.V.Satyanarayana Rao, Assistant Director of Marketing, OD as Special Grade Secretary, Agricultural Market Committee, Madhira for inclusion in the panel of Assistant Directors of Marketing against Roster Point No.9 for notional promotion to the post of Deputy Director of Marketing with effect from 04.11.2004 i.e., the date on which his immediate Junior Sri Md.Jahangir, Deputy Director of Marketing (Retd.,) was promoted as Deputy Director of Marketing with consequential benfits, subject to out come of pending W.P. in Hon'ble Andhra Pradesh High Court.

**8.** The Commissioner and Director of Agricultural Marketing, Hyderabad shall take necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**K.R.KISHORE  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner and Director of Agricultural Marketing,  
Hyderabad(w.e.,)

**// FORWARDED : : BY ORDER//**

**SECTION OFFICER**